

REMARKS

Claims 1-148 are cancelled and claims 149-183 are added. No new matter has been added, nor has the claim scope been narrowed by these amendments.

The drawings were objected to for various informalities. The Applicants have spoken with the Examiner and confirmed that, in light of the formal drawings submitted on August 27, 2000, the Examiner is no longer maintaining an objection to the drawings. Withdrawal of this objection is respectfully requested.

Claims 1, 11, 26, 32, 106 and 130 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants believe that new claims 149-183 overcome these rejections.

Claims 1, 11, 25, 27, 28, 32-34, 44, 56, 73-74 and 130-131 were rejected under 35 U.S.C. 103(a) as being unpatentable over Becker, *et al.* (U.S. Patent 5,878,223), in view of Kramer *et al.* (U.S. Patent 6,327,574). Claims 1, 5-8, 10-12, 16, 19, 21, 22, 24-28, 31-34, 37-38, 43-45, 47-48, 53-56, 73-77, 81-84, 105-108, 112, 117-121, 126, 128, 130, 131 and 133-135 were rejected under 35 U.S.C. 103(a) as being unpatentable over Becker in view of Savitzky *et al.* (U.S. Patent 6,012,083). Applicants believe that new claims 149-183 overcome these rejections.

Applicants have reviewed the references cited by the Examiner and note that none of the references, alone or in combination, disclose all the limitations of new independent claims 149, 158, 164, 170 and 175. None of the references disclose methods, apparatuses, or means including a user profile comprising a hierarchical attribute value-pair data structure and inheritance of user profile attributes into the user profile from a group in which the user is a member and wherein the content is selected based on the user profile and is used to enhance an audio video program. Additionally, Applicants note that none of the references, alone or in combination, disclose the step of selecting content for at least one user based on examination of at least one other user profile and wherein the content is selected based on the user profile and is used to enhance an audio video program.

Claims 150-157, 159-163, 165-169, 171-174 and 176-183 depend from independent claims 149, 158, 164, 170 and 175. The Applicants respectfully submit that they have shown the patentability of at least independent claims 149, 158, 164, 170 and 175. Accordingly, claims 150-157, 159-163, 165-169, 171-174 and 176-183 are themselves patentable insofar as they depend from patentably distinct independent claims. The Applicants make this assertion without reference to the independent bases of patentability contained within each dependent claim. Accordingly, the Applicants respectfully request the Examiner withdraw his rejections and allow all pending dependent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 55944-20006.00.

Dated: May 17, 2004

Respectfully submitted,

By 

James M. Denaro

Registration No.: 54,063

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7739